

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL No. 663, *et al.*,

Case No. 18-cv-2660 (JNE/TNL)

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant.

DECLARATION OF MARTY JOSEPH STEIN

I, Marty Joseph Stein, declare as follows:

1. My name is Marty Stein. I work as a pet food producer on the kill floor at the Smithfield hog slaughter and processing plant in Denison, Iowa.
2. I have worked at this plant since approximately 1989.
3. I have been a member of the United Food and Commercial Workers Union (UFCW) Local 440 for approximately 31 years.
4. For the last 9 years, I have been a pet food producer and before that I worked as an ear trimmer on the kill floor.
5. As a pet food producer I receive hogs' lungs, livers, kidneys and spleens from the line. I put these parts into a machine that chills them to at least 36 degrees Fahrenheit, and I run them through an auger that grinds them into a slurry. The slurry goes through tubes into unrefrigerated tanker trucks. The slurry is transported to other processing facilities to make pet food.

6. My work as a pet food producer is time-sensitive, and everything I do is affected by the line speed. I have to move quickly to process all the product that comes off the line. Because the slurry product heats up in unrefrigerated tanker trucks, it is important to move it quickly and keep it cold. If it is not cold enough, pet food producers will reject the product.

7. The plant used to run its lines at approximately 980 head per hour. Now, the lines are up to approximately 1105. It is hard to keep up with the lines running as fast as they do. In my time at Smithfield, I have grown increasingly concerned about injuries to myself and others as line speeds increased.

8. When I was an ear trimmer, I was injured and I saw co-workers get injured. The harder we work to keep up with the lines, the more injuries we have.

9. As an ear trimmer I had to lift 50- to 100-pound tubs of ears and dump them on a table. Two people trim ears at the same time by spreading the ears on a table and trimming with sharp knives. Because we had to trim quickly to keep pace with product coming off the line, I got cut and nicked often, even while wearing protective gloves. Once I got stabbed in the hand by my coworker's knife.

10. I recently had a shoulder surgery, and the doctor had to shave down my bone because I had so much wear and tear from repetitive motions. This wear and tear was directly related to my work on the line as an ear trimmer and pet food producer. I believe the fast pace we maintain to keep up with product coming off the lines contributes to my repetitive motion injuries.

11. Plant management told me that they are planning to run another line alongside the current line to increase production by 300 head per hour and reduce production time to an 8-hour day instead of a 10-hour day.

12. The plant has reduced operations due to the COVID-19 outbreak. Currently we are operating at 300 head per hour.

13. The plant management says it intends to resume operating at full capacity when the Covid 19 virus pandemic is over.

14. I am concerned that I and other workers will be injured if the plant increases production and line speeds. Given our close proximity and the number of hogs and people already packed into the plant, additional bodies will increase the risk of knife injuries. It also will increase the risk of repetitive motion injuries because we will have more work to perform in less time. We can hardly keep up already and already suffer injuries. I am very concerned about our health if line speeds increase.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 2 2020.



Marty Stein

A handwritten signature in blue ink, appearing to read "Marty Stein". Below the signature, the name "Marty Stein" is printed in a smaller, sans-serif font.